

**COMMISSION CONFERENCE****June 15, 2004**

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Present: Mayor Naugle  
Commissioners Hutchinson, Teel, Moore and Vice Mayor Trantalis

Also Present: Acting City Manager  
City Attorney  
City Clerk  
Sergeant At Arms – Sergeant Furdon

### **I-A – Air and Sea Show**

Bud Bentley, Assistant City Manager, stated that the business community is working with the City in an effort to make sure the 2005 Air & Sea Show would be a success. In the future, a new contract has to be negotiated.

Mr. Bentley stated that at the Commission's last meeting, they had appointed an "ad hoc committee" at which Commissioners Hutchinson and Teel had attended with staff and the business community. He explained that at the first meeting they had reviewed extensively City services that had been provided, along with the associated expense to the City. The City's revenue and expenses had been restated and put into a spreadsheet that is attached to the material distributed to the Commission. He explained it is actually a reformatting of the information distributed previously. In the past staff had developed the numbers, focusing on services billed to the promoter, and then what the promoter had to pay.

Mr. Bentley further stated that the ad hoc committee came up with a recommendation that established what they thought the City should pay in support of the Show. He added that such information is listed in Column I. They also looked at how the City had provided services and their capacity to do so in the future. Another recommendation made by the Committee is that the City should not provide the skilled trades people who set up and took down the Show, nor should they provide City employees for transporting and setting up barricades. He explained both are labor intensive for a couple departments that were scaled back this year.

Commissioner Hutchinson stated that Tom Terrell's department (Public Services Maintenance Division) had been scaled back and if they spent time on the Beach building within the gated area for the Show, then they would not be available to perform repairs at City Hall and other City facilities, nor would they be able to keep up with general maintenance. She felt the City could no longer afford to do this work. She added the City is not being reimbursed. She stated there is no reason the promoter could not do such work because the City no longer has the money or the staff to do so.

Commissioner Hutchinson further stated that Phil Thornburg's department (Parks & Recreation) could no longer provide the services as in the past because only a percentage is being reimbursed. She stated that the business community worked hard to find a way to pick up the balance of the extra expenses incurred by the City. She added that she does not have a problem with the City paying the sponsorship of \$28,000. She stated that Column I came from the Committee, showing that the business community would pick up the \$170,000, and the City's direct expenses would total \$49,000.

Mr. Bentley stated that the City's expense of \$49,000 includes the direct expense of a \$28,000 sponsorship fee, plus the staff that would be assigned.

Commissioner Teel thanked everyone involved in the meeting, and she felt that one of the things which came out of the meeting that is very valuable is that for the first time accurate figures were being presented. She stated that it is fascinating that nowhere in the contract does it state that the City is to provide the staff to work on the barricades. She added that citizens were e-mailing her after the Show criticizing how the barricades were being removed, and after investigating the matter she had found out that the City did not have the proper equipment to move the barricades. She felt that work should be the responsibility of the promoter. She further stated that another thing is that the citizens thought the City was putting on the Show for the last 10 years, and making a profit from it. When the citizens found out the true facts, they were actually horrified. She stated the City could no longer subsidize this Show.

Commissioner Teel stated that she agreed about the City not providing trades people for the Show, and indicated that it is not included in the contract. She felt that the help offered by the business community should be embraced by the promoter. It is her understanding that he has not discussed the matter in great detail yet or his terms are unacceptable. She felt that information had been distributed to everyone seeking it, and she thanked Commissioner Hutchinson and everyone else for their participation.

Mayor Naugle stated that the consistent thing he kept hearing is why a fee is not charged for the Show. He stated that everyone said it is a free show, but it is not because it has been heavily subsidized by the City. Suggestions had been made to charge individuals crossing the bridge \$1, but that could not be done because a city could not collect a toll or tax such as that unless they were given legislative authority to do so. There could be an area set aside for preferred seating with a small admission charge to help recover some of the cost. He remarked that the amount might also be too much for the business community to underwrite. Such an admission fee would have to be approved by the City Manager's Office, but could help reduce the deficit and keep the business community from having to seek upfront commitments. He stated that probably 50% of the e-mails he received were not from City residents, but yet they were encouraging the City to keep the Show, which is great, but no support or contributions are being made from the other cities.

Mayor Naugle asked if there is any support to discuss the option of an admission fee.

Commissioner Moore stated that he did not understand the conversation taking place at this time. He stated it is nice to have the business community come to the table and he supported their contribution, but he felt the remedy to the situation had previously been offered, and that is sale of pins. It might take a little more effort to get things set up the first year, but he had talked to the company who making the Olympic pins, and they stated they would produce, distribute, and give an override on the sale of the pins to the City. Not only would it help defray the cost of this Show, but it would also address all special events in the City. He felt it is a simple resolution. Individuals from other cities want the Show to continue; the pin would allow underwriting of the Show. He stated it would still be a "free" event. The business community could purchase the pins and be the distribution points, and even give them away to key employees. He suggested that even raffles could be included in the sale of the pins. He did not understand why this option is not on the table.

Mayor Naugle did not think there is support from this Commission for the City to go into the business of selling pins.

Commissioner Moore was unaware of any vote taken stating such a feeling of the Commission. He stated that possibly the Mayor might have assumed this, but the Commission has never placed the item on their agenda for discussion and a vote.

Vice Mayor Trantalis believed the last discussion held regarding the pins was that further investigation would be done.

Commissioner Moore indicated that there is a company who would underwrite the pins, along with distributing them. He further stated that the only thing they had to do is to attend a Commission meeting and give a presentation, and then an intelligent decision could be made regarding whether the matter is worthy of a decision.

Commissioner Hutchinson stated that she does not disagree that the pins would be a great idea, but she did not know why the Show itself has not picked up on it. The City does not have staff time to devote to this matter, but she felt the idea would work. She indicated that she did not feel it is the City's responsibility to do it. She did not think it is a bad idea, but the promoter should pursue the idea, along with the business community.

Commissioner Moore indicated that he is only suggesting that a presentation be made due to the issues raised because he has found someone who is willing to take on the project, and the City would be able to fund all special events through such a program. He asked that the Commission have the opportunity to see a revenue stream that could be brought into the City to assist them in underwriting all special events, and then no tax dollars would be used.

Vice Mayor Trantalis stated that it is not an obligation on the City's part to distribute or sell pins. He felt what had started the discussion was the fact that the City continued to be a financial partner in the event, and they could afford to do it less and less. He felt the idea of an admission charge or the sale of pins is a way for the City to shore up their inability to secure the necessary funds that they had contributed as a partner to the event in the past. He felt before they could proceed with this issue, they first have to agree that they want to continue holding this event in Fort Lauderdale. Unless there is such a consensus, all other discussion would be moot.

Commissioner Hutchinson indicated that such discussion had already been held. Vice Mayor Trantalis stated that every time he heard something or read backup information, he only saw and heard the word "cancel."

Mayor Naugle asked if any Commissioner wished to discontinue the event.

Commissioner Teel indicated that if they were forced to cancel the event, then they should do so. She stated further that even if they were not in their present financial condition, she would still say the same thing. She did not feel it is the City taxpayers' responsibility to subsidize a "for profit" show. She felt it is a great event, and if the promoter wants to investigate the selling of pins, along with the Chamber of Commerce, then there could be a licensing agreement provided. It is not the City's responsibility to set out and purchase and distribute the pins. She is only interested in canceling the

Show, if they are forced into it. She stated if they could not arrive at an agreement with either the business community or the promoter, then it would have to be canceled.

Mayor Naugle stated that the Committee suggested they move forward with the idea of using the \$49,000 figure, and anything over the amount would have to be made up by the promoter either through an admission charge approved by the City, the sale of pins, or contributions from the business community.

Commissioner Teel did not feel the City has to be the one to make such suggestions because there could be a multitude of ideas out there that could be used. She did not think they should be telling the promoter how to run his business.

Vice Mayor Trantalis indicated that the point is that they have to look at the history of the event. The history would show that they continue to reduce their financial involvement. Commissioner Teel stated that is not the case the year before. Each year the amount has ballooned, and this is the first year the amount had been reduced due to their investigation and reduction in services. Vice Mayor Trantalis stated that if the City was able to reduce this year's contribution and they still wanted to be a partner, then the remark that they should not be involved, then the City is saying they no longer want to be a partner in the event. He stated it is his understanding that the Commission is suggesting the City not make any type of contribution. Commissioner Teel stated she is not saying that, but that the City is still contributing the \$28,000 sponsorship fee, and they are also contributing \$22,802 in services. Vice Mayor Trantalis asked if it is being suggested the City keep that contribution steady or should it be eliminated.

Commissioner Hutchinson indicated that this is the last year of the existing contract. She stated that anything after this year would have to be renegotiated. She stated the only worry they had is in regard to the 2005 Show. It is her understanding that they were just trying to get through 2005 now, and would do that with the help of Linda Gill and the business community who are stepping up to the plate to assist. It sounds like the promoter is not interested at this time. She felt they needed to hear from Linda Gill as to the feelings of the promoter in having the business community pick up the tab.

Commissioner Moore indicated that any monies being contributed to this Show are tax dollars. He further stated that the City contributes to every special event held in the City. He stated the City is co-sponsoring events because they give a positive image to the City and promote it as a family destination. He stated if they are going to expend tax dollars, then they need to find another revenue source so tax dollars would not be used. He stated they are using monies out of the General Fund.

Mayor Naugle remarked that from the Winterfest Parade and the Boat Show, the City is reimbursed their cost.

Commissioner Moore asked if the City contributes to the Winterfest Parade or the Boat Show.

Phil Thornburg, Parks and Recreation, stated there would be in-kind contribution, such as providing the permit, police and fire, along with the Parks staff, meeting to discuss the procedure to be used. There are 300 events held in the City each year. They pay for the product, but not for staff time.

Commissioner Moore stated that in looking over the minutes regarding this matter throughout the years, he had always stated it is inappropriate for the City to spend tax dollars, not because he did not feel it is a good event, but because the Commissions in the past had stated that tax dollars should not be used to support social services. If they are not going to support social services, then they should not put tax dollars into the promotion of events in the City that benefit an individual rather than the citizens. If there is a way to generate revenue that would cover the expense, as well as provide additional dollars in the budget, then it should be considered.

Commissioner Hutchinson stated she is in favor of keeping the Air and Sea Show in Fort Lauderdale, and she thought with the help of the business community and nailing down staff for appropriate numbers, assistance would be given and the Show would continue this year. She did not know what would happen in the future because a new contract would have to be negotiated. The City could not afford to continue doing the things which had never been part of the contract. She stated it does not mean they do not want the Show, it only means they could not afford to do so.

Vice Mayor Trantalis stated that recommendation #1 provides that the business community would be given the opportunity to come up with the difference in the funds that they need, and that they had until September 1, 2004.

Commissioner Moore left the meeting at approximately 1:59 p.m.

Vice Mayor Trantalis stated further that if the business community does not raise such funds, then they would notify the promoter of the City's intention to cancel the show. He asked if the business community is making a commitment to shore up the funding difference, or do they want time to come up with that difference. He asked where does the City stand in relation to what the business community intend to do.

Linda Gill turned the discussion over to Johnny Williams because she did not believe there is an agreement to go along with the proposed plan.

Johnny Williams, President of Pro-Series Inc., stated they produce the Air and Sea Show. The event is produced by a corporation and not a promoter.

Mr. Williams stated that for the past 10 years they had provided a free event to the public which is a first-class signature event. At the time South Florida and the community was looking for such an event to replace the stigma of spring break, and that objective had been accomplished over the last 10 years. He stated they have taken the military which had been 26<sup>th</sup> in recruiting during the first year of the Show to be one of the most productive recruiting areas in the U.S. In terms of charities, they had generated hundreds of thousands of dollars for the local community and Broward County, and had showcased the community to over 177 countries and U.S. territories. Last year over \$29 million had been spent in media exposure for the City and County in regard to this event. Each year they entertain over 42,000 school children and teach them about patriotism and the American way of life. Freedom is not free. In regard to corporate America, this event provides them with an effective marketing tool. After expenses are paid for this year, they provided all the rights to do the above-mentioned things in excess of \$1.58 million to the City.

Mr. Williams presented a check to Mayor Naugle for the City services used in regard to this year's show.

Mr. Williams further stated that prior to this year's show, they had attempted to meet with the City Commissioners to explain how they reached the point they are at today. They had never taken the opportunity to express their point of view regarding this event.

Mr. Williams explained that in 1994 they entered into an 11-year agreement which had been a 5-year agreement with 2 three-year extensions to produce this event in South Florida. There is an option to cancel the event because in 1995 the City did not understand what it took to provide such a show. Therefore, if they felt the event would not accomplish what it was supposed to accomplish, they wanted an option to back out. All objectives had been accomplished over the last 10 years. He felt they had a good track record of providing a first-class event. The contract, after each year's agreement, could only be canceled by notification before July 1<sup>st</sup> of the year preceding the next year's event. He stated 14 days notice has to be given, and that is why they are present at today's meeting. In the initial agreement, he stated there was no cap on City services to be reimbursed. Therefore, from 1994 to 1999 the City would provide Pro-Series with an estimate for services. After the show, they stated an error had been made in the estimate as submitted. He questioned how they could run a business if the City provided an estimate, and then after the show, produced an estimate far above what had been previously stated and wanted the money up front. Each year the bills were paid. In 1999, they entered into an amendment to the agreement which stated there would be a cap on services to be reimbursed to the City.

Commissioner Moore returned to the meeting at approximately 2:07 p.m.

Mr. Williams continued stating that they asked the City to come up with an appropriate figure for their services. The City came to them with a figure of \$188,000 which is to be the minimum reimbursement for police, fire, EMS, public services, and parks and recreation services. This figure could be reduced by the City's promotional contributions and/or parking revenue from Holiday Park and the downtown garages. The only way the amount would be increased would be through the CPI and by wage increases. It had been increased by 10% this year in order to assist the City.

Mr. Williams further stated that the City came to Pro-Series three months prior to the production of the event, and stated they were having budgetary concerns, and therefore, certain services which had been provided over the last nine years would no longer be provided. Although such elements are not included in the agreement, there is something called "prior performance" which means they could expect the services based upon nine years of prior performance by the City. They were also told that their reimbursement to the City would not be reduced to accommodate the reduced level of services.

Mr. Williams stated that prior to this year's show, they received a letter, stating if they could not arrive at a new agreement by May 20, 2004, the City would exercise their option to cancel the agreement. He did not think enough time was given for them to arrive at an equitable agreement beneficial to both parties. In terms of the "Save our Air and Sea Show Committee," they had asked about the deficit, and the City stated it was around \$80,000. He thanked the Committee for "stepping up to the plate." Another letter was sent to them because an interest was shown for keeping the show in the City. He explained they discussed the matter with the Committee who wanted to know an

accurate figure they would have to cover. The City is now stating that the deficit is \$219,000 and not \$80,000. The City has provided the company with a new agreement which has no cap on reimbursements regarding City services, and eliminates all in-kind services which had been provided to Pro-Series over the last 10 years. It also required that they wait until September to determine whether a third-party could generate the deficit. He stated that is not how business works.

Mr. Williams stated that the City realized in 1999 what they had realized in 1993, which is the fact that they need to have a cap on expenses in order to effectively budget their organization and produce a successful event. They could not have an opened-ended checkbook. He had produced a spreadsheet for the Commission, which includes this year's numbers. He asked the Commission to review the increase in City services from 1999 through 2003. They had not necessarily been concerned about that increase because they had a cap on reimbursements to the City. The scope and magnitude of the event had not changed. From their perspective, they have an agreement which had been an 11-year agreement, and they are more than willing to honor it and fulfill their obligations in accordance with that agreement. Pro-Series had received an e-mail from the Acting City Manager yesterday, stating that the current agreement is a "promoter's dream." Mr. Williams stated that if it is a promoter's dream to produce a first-class event for 10 years and generate over \$29 million in media exposure, monies for charities, and showcase the City as a positive world-class resort, and then be told it is not worth it, he should be woken up because he is having a nightmare.

Mr. Williams indicated that they are more than willing to honor the current agreement. The \$140,000 identified for 2005 is for services that the City would have been paying for anyway. Over the last 10 years, there had been no issues regarding this matter.

Mayor Naugle understood the difficulty in depending on a third party they could not control to make up a deficit, while signing contracts with everyone involved, and in the meantime that third party might not be able to raise the necessary funding. He did not think that is realistic. He felt their position should be that the deficit would be made up through a promotional activity, such as the sale of pins, corporate contributions and admission charges. He stated that he keeps hearing over and over that no one objects to an admission charge. This "free event" is not "free" because the City has spent millions subsidizing the event over the last 10 years. While it is free to the public, it is heavily subsidized by the taxpayers of this City even though it benefits everyone throughout South Florida.

Mr. Williams stated that they had never said that their goal was to charge a fee. They produced a public event. It is not possible for them to logistically identify who is coming over the bridge to be charge a fee. Mayor Naugle indicated that method is not permissible. They would have to set aside an area for preferred seating. He stated that would require extra work. The Boat Show is owned by a trade association who hires a for-profit company who knows how to sponsor such events. Mr. Williams stated that the Boat Show and Air and Sea Show are entirely two different events and could not be compared. There is no doubt this event brought forth a tremendous amount of exposure, value and revenue to the City and County. The question is whether the City feels there is an associated value. For the City to feel that they should receive all the benefits without making any contribution to the event is not equitable. When most people think about an event, they think of a gate, concessions, and special merchandise sales. He indicated



they do not have such things, but have to go out and raise the revenue to produce the event, along with reimbursing the City.

Mr. Williams stressed that they are more than willing to discuss something that would be fair and equitable to everyone, and honor the current agreement in place. It is not fair for the City to come to them in the 10<sup>th</sup> year of an 11-year agreement and state they no longer want to participate.

Mayor Naugle stated that the citizens and the business community are suggesting charging a fee. He also felt that costs should also be lowered, but that is a separate issue.

Commissioner Moore commended the business community for coming forward to help. He suggested that they state that the last contract year for the Show would take place, and they would accept the offer of the \$170,000 from the business community.

Linda Gill stated they understood that costs would rise slightly because more police are being requested and they are up to \$219,000. Commissioner Hutchinson stated the amount is actually \$170,000. Ms. Gill stated that the company is not agreeing to the proposal any way. She asked if the City is going to rid themselves of all special events.

Commissioner Moore asked what number the business community felt they could place on the table to sponsor the next Air and Sea Show.

Commissioner Hutchinson stated that from their last meeting, the Police Department had met with the company and they had agreed to pay the extra cost for the police. Ms. Gill confirmed and stated the figure is \$72,606 plus the \$30,000 additional. Therefore, the figure for the business community is about \$100,000.

Commissioner Moore stated if that is the agreement, then they should state the final show would be take place, and at the next Commission Conference Meeting Agenda a presentation be made regarding the pins so they could see if it is something that should be considered. He felt everyone should be made aware of all facts. He does not agree with the City's accounting, and had not agreed with it for a long time. He stated further that the key is to state that the show would go on for next year with the business community's support, but if they received extra money, that they allow the City to utilize those funds to defray their costs.

Ms. Gill stated that the City is asking for all monies by September 1, 2004, but the show does not take place until May, 2005. She stated that not many businesses would put money out that far in advance. She added that they would contribute all funds raised to defray costs.

Commissioner Moore felt that the September 1<sup>st</sup> date had been placed on the table to give the promoter a comfort level. Ms. Gill stated that is an unrealistic date for the business community. Commissioner Moore stated that he is referring to the pledge of the \$100,000 and would be willing to change the deadline. He did not want anyone to feel they were "hanging in the wind," and asked how that door could be closed. He further asked the business community what date would be acceptable as a deadline for pledging their assistance.

Ms. Gill stated that they would give their commitment by September 1, 2004, but that date would be too early to submit the funds. Commissioner Moore stated that if a commitment were received by September 1, 2004 for the \$100,000, then it would give the promoter an understanding that the event would take place.

Mayor Naugle asked if there is any objection to the idea that they consider obtaining revenue through sale of the pins.

Commissioner Moore stated this is an opportunity for the City to generate revenue, and yet they were thinking of turning over the idea to a private promoter. He did not think that is the way to go until the Commission receives a presentation, and then determines if it is a viable revenue opportunity.

Mayor Naugle asked if anyone objected to consideration of some sort of admission fee. Vice Mayor Trantalis stated that he would object to an admission fee. Commissioner Moore asked how they could deal with charging a fee. Vice Mayor Trantalis stated that it is impractical and would be a logistic nightmare. He felt it is something that should be done for the people. Commissioner Moore indicated that they would be generating more cost for the City just to collect \$1 admission.

Vice Mayor Trantalis asked if the City is attempting to get out of the existing contract. The City Attorney confirmed. Vice Mayor Trantalis asked if this would be an anticipatory breach. The City Attorney replied no, and stated the City has the right to give notice of cancellation. The September date is because they had asked for an extension of the July date to September, but the promoter had not granted that request. This is the last Commission meeting before expiration of the contract. Mr. Williams had indicated that they were probably going to litigate over the existing contract unless it is cancelled due to the in-kind services. He indicated that the Commission must take action today. He explained they have to either offer them a contract to be accepted by July 1, 2004, or cancel the show. Otherwise, they would proceed with the existing contract, and then disagreements would be occurring over who paid what.

Vice Mayor Trantalis stated if they proceeded with the existing contract, they could move ahead and work with the business community. They also have the opportunity to look at the feasibility of the pin sales. He does not have a problem with it; it could generate income. He felt there is no down side. He felt that would then give them the chance to re-examine how they could approach the agreement with the promoter. He hoped that in a new contract, they could reframe or restructure the City's participation. He truly believed they need to continue the partnership, but should reduce their participation. He asked the promoter if he understood that way of thinking.

Mr. Williams asked if the City saw a value in the show. Vice Mayor Trantalis confirmed there is a value in the show, but they are attempting to say the City has as much of an investment as the promoter. There comes a point in time where they have to see a return, rather than a continuing increase in their contribution. Their investment and return is based on the contributions made over the last 10 years, and it should not increase every time the value increases. The City has already made their investment. Mr. Williams asked about the return the City had already received. Vice Mayor Trantalis stated that both entities have received a return. Mr. Williams remarked that the Vice Mayor is making inaccurate statements. Some of the sponsors had participated in the show for over 3 years, but the show has existed in this City for the last 10 years. Vice

Mayor Trantalis stated it is correct that some of the sponsors have recently stepped up to the plate. Both entities have been partners in the joint venture, both have invested in the last 10 years, and therefore, both should reap the dividends. He stated the value continues to increase and multiply geometrically, and everyone should benefit, but the promoter should not continue to expect the City to shoulder more and more every year, and the promoter shoulder less and less. He felt the City should benefit more each year and their contribution should decrease because they have put their efforts, money, and good name into the venture.

Vice Mayor Trantalis emphasized that they should continue to work together, and try to find a way to help both parties.

Mr. Williams asked what value the City put on the \$29 million that is spent on media exposure for the City. Vice Mayor Trantalis stated it is an intangible value. Mr. Williams remarked that it is independently audited.

Mayor Naugle stated that he would ask the Convention and Visitors Bureau that question because they are the agency who collects the tax to pay for such things. Mr. Williams added that the City benefits from the tourism. Commissioner Hutchinson replied that the City does not benefit from the tourism. Mayor Naugle indicated that other bigger events are not being subsidized by the City.

Commissioner Moore summarized that the business community is going to give their commitment by September 1, 2004. Ms. Gill confirmed. Commissioner Moore asked if the promoter could agree that they would effectuate the agreement by July 1, 2004, and accept the ground rules being placed on the table at this time. Mr. Williams stated that they are moving forward with the intent that they are producing the show in 2005. If the monies are not raised by the businesses, it would not cancel the City's obligation to produce the event. Commissioner Moore stated that hopefully through the negotiations, they would be on a better footing for the next contract, including the methodology of addressing the cost of the event.

If the City was supplying services that the Commission has not agreed to, Mayor Naugle wondered if that has been appropriate. Commissioner Moore replied it is appropriate because this is a City Manager form of government.

The Acting City Manager stated that from his point of view, it would not be included in next year's budget. Commissioner Moore remarked that Mr. Silva would not be with the City at that time. Mayor Naugle remarked that the new City Manager is to be on staff by August 1, 2004, and the Charter requires that the Manager present the budget in July, therefore, Mr. Silva would be present at that time.

Commissioner Moore wanted to go through with the contract. He reminded everyone that he is against this, the jail and the stadium, and felt everything should be stopped. He felt if they could not come up with another agreement, then they are obligated to proceed. He reminded everyone they would be receiving an additional \$100,000 from the business community.

Mr. Bentley stated they are now talking about column "G" which is the same level of service as provided in the past, and shows an additional \$35,000 expense for police and parks and recreation clean-up.

Mayor Naugle asked if any of the figures include the lifeguards which are scheduled to work that day, along with police and firefighters. Mr. Bentley stated it does not include lifeguards or police, but some in-kind firefighters are scheduled at Station #13 due to its location. Mayor Naugle asked if the individuals scheduled for a regular work day at that time are subtracted, what would the figure then be.

Otis Latin, Chief Fire-Rescue, stated that the firefighters on the beach are not figured into the number because they are automatically scheduled anyway. Only additional firefighters are figured in.

Mayor Naugle asked if there is a consensus for the City to commit to contribute \$119,000 to the event for next year. Commissioner Moore felt they are obligated to do so based on the contract.

Mr. Bentley clarified that the promoter's payment would be reduced next year, and last year there was agreement on a 10% increase. He suggested that if the City is to continue providing the services as in the past, then the promoter needs to continue to provide the 10% increase. He explained that the \$222,000 includes the 10% increase.

Mr. Williams explained that since they have increased the amount by 10% this year, the base should be in accordance with what they were to pay originally.

Mr. Bentley further stated that some of the money would not be additional out-of-pocket because it would be expense for staff assigned to the show which is accounted for.

Commissioner Teel clarified that the barricade work would still be done by the City. Commissioner Hutchinson remarked it is the biggest waste of staff's time. Commissioner Moore stated that the City could contract that work out, especially if it saves money and time.

Commissioner Hutchinson left the meeting at approximately 2:41 p.m. and returned at 2:42 p.m.

Mr. Bentley further stated that from staff's perspective, it is better to reduce the promoter's expense by that amount, and let them contract the work out. Commissioner Moore stated he is just suggesting they find the way to make this all work out.

The Acting City Manager stated that the contract is unworkable because it places all the burden on the City as far as cost is concerned. He felt the City needs to send a clear message saying that the existing contract should not continue, and that they want the show to continue, but under a different mechanism. The City has assumed a lot of cost in the past which they should not have done. It is going to cost \$170,000 out of next year's budget. The show should be treated equally as others in the City. He would love to give Pro-Series the same type of event agreement that the other two shows have, but they refused it. His concern is that the City would get into the same problem next year until there is a situation of clear closure, or until they would say that within 6 months there must be a new agreement or there would be no agreement at all. He remarked it is a promoter's dream to put the City in a box within 1-2 months before a show. He felt that is not a situation the Commission should be placed in.

Mayor Naugle remarked that would have to be negotiated in the next contract, and now they are trying to act in good faith.

The City Attorney stated that he did not know if there would be an agreement by this evening because he has not heard Mr. Williams agree to anything mentioned.

Mayor Naugle hoped they could vote on a contract this evening. The City Attorney stated that the bullet points could be put together for a contract so a vote could be taken this evening, and if they do not accept the contract by July 1, 2004, then a cancellation notice would be sent.

Vice Mayor Trantalis asked if Mr. Williams' company would assume the \$51,000 expense knowing that the City is not capable of continuing those services. Mr. Bentley stated that there are two components to that expense. One is that the barricades which cost about \$27,000, and the other is the skilled craftsmen totaling about \$24,000. He explained further there are two types of sponsorships. One is contributions from the City which is deducted from the promoter's bill, which are parking and the \$28,000 sponsorship fee. In addition, there are in-kind services assigned to the show of straight hour labor, totaling about \$140,000. Staff is saying there is a better way to do those services. He understood the promoter's point of view, but staff is suggesting that they tell the promoter the City is no longer going to provide such services, and then deduct the amount from the bill. Supposedly, he heard that is acceptable to the promoter. Vice Mayor Trantalis asked if that made a difference. Mr. Bentley stated it made a difference to City staff not having to provide such services. Vice Mayor Trantalis further stated if it is better for the City not to have such a responsibility and the promoter's contribution be reduced by that amount, then it should be done at this point in time.

Mr. Williams asked if they would still receive supervision from the City for such work being done. Mr. Bentley confirmed. Mr. Williams confirmed their contribution would be reduced by the \$51,000. Mr. Bentley again confirmed.

Mr. Williams further stated that they are interested in talking about the future. Commissioner Moore stated they need to first come to this agreement before attempting to work on the next year.

Mayor Naugle preferred to have an approved contract before next year's event for the future years. The Commission agreed. The Acting City Manager stated they need to have one in the next six months so they would not have to negotiate a contract like they are doing today.

Ms. Gill thanked everyone and stated she would commit to the raising of the \$100,000 by the business community. She remarked they have over 50% of the amount at this time. She stated she would also commit to working out the pin concept and other fund raising events. She added it would give them more time to gain stability for the City for future years.

Mayor Naugle remarked that due to sale of promotional materials, there might not be a deficit. Commissioner Moore agreed, and asked if the Commission is agreeing to receive a presentation of the pin program. There was consensus. Ms. Gill asked if the business community could be notified so they could also attend.

Commissioner Moore left the meeting at approximately 2:50 p.m.

Mr. Bentley asked for clarification that there is no request for the September termination date. Mayor Naugle confirmed.

**Action:** City Attorney is to draw a contract amendment for consideration at the regular meeting with City's direct expenses (barricades & skilled trade show set up) of \$51,416 to be removed from Promoter's cost and the Promoter will be responsible to provide those services; the business community will work toward obtaining a commitment by September 1 of \$100,000 in contributions for the event with receipt of total amount after September 1; the future years' contract will be negotiated prior to the 2005 event being held. Commissioner Moore will make arrangements for a presentation on the Pegasus Pin Program used at the Kentucky Derby at the July 7, 2004 Conference meeting. [The Promoter requested their 10% increase be based on their original payment amount (before 10% was paid in 2004)].

#### **I-B – May 2004 Monthly Financial Report**

The Acting City Manager proceeded to review identified shortfalls. The shortfalls highlighted are over \$50,000 or \$100,000, and it appears there would be a \$2 million shortfall in revenue. Mayor Naugle remarked that some revenue categories are up. The Acting City Manager stated that some would be up, and remarked that this is not included in the budget amendment presented today or within the May financial statement. He stated these are things staff determined are real possibilities and problems. He will meet with the Executive Management Team tomorrow and see how expenses could be reduced to align themselves with new revenue reality. He is proposing a new budget revision on July 20<sup>th</sup>. He stated further that he is going to meet with fire and police this Friday. He explained that on the 20<sup>th</sup> they are looking to reduce expenditures to balance the revenues and make sure the City does not go over budget. He stated that this year's budget would be extremely tight.

Vice Mayor Trantalis asked why the FPL utility tax is not foreseeable.

Steven Chapman, Assistant Finance Director, stated that they have been looking at the categories over the last several months, and some are down and some are up. He stated they need additional time to explain why one item is up or down more than another.

Commissioner Moore returned to the meeting at approximately 2:56 p.m.

Commissioner Teel stated that people are beginning to make changes in their air conditioning, and she felt they are starting to see results. Mayor Naugle remarked that water sales are high. He added that building permit revenues are up about \$500,000.

The Acting City Manager continued stating that there are some revenue enhancements that would probably be about \$1 million to \$1.5 million, but there are also some big ticket items that would not be offset. Technically fees from building permits are to be reinvested within that department because fees are not to finance other parts of the budget. He explained they are increasing staff in the Building Department because they

have increased revenues, and because they have to resolve the speed for processing permits.

Vice Mayor Trantalis asked if the City did not know in advance about lease payments for Bahia Mar. Mayor Naugle stated there is a construction period when the marinas are closed. He added it is based on gross rent. Vice Mayor Trantalis added that since the marinas have been rehabilitated should there not be an increase. Mr. Chapman stated that there would be an increase for the next fiscal year. Vice Mayor Trantalis clarified that they only have the negatives today and not the positives. Mayor Naugle confirmed and stated it is improper, and it would not happen again.

Mr. Chapman further stated that staff has discussed going through another exercise, and doing another budget amendment which would be City-wide. He stated that would open up the budget process and would have each department revise their estimates. Then, an overall budget revision could be done to help shore things up for the fiscal year. He stated it would also allow them time to do internal transfers of funds that have to be done.

Commissioner Moore felt the information is wrong because they are showing that \$300,000 has been received from alarm registrations, and if everyone is not going to be forced to pay, then those who did pay need to have their money returned. Mayor Naugle agreed that they should be refunded.

Commissioner Moore asked about the TV franchise fee. Mr. Chapman stated that he would provide follow-up information on that matter.

The Acting City Manager referred to the budget workshop in December, 2003. There was \$115,000 included as revenue by Administrative Services because there was an agreement with the cable company.

Bruce Larkin, Director of Administrative Services, stated is a provision in the franchise that the City approved back in 2000 with Comcast that provides if they choose to close their local studio, then they would have to make a one-time payment to the City of \$112,500. They thought the studio was being closed, but it has not yet been done.

### Reorganization

Commissioner Moore had seen information regarding the EMT meeting scheduled for tomorrow which caused him great stress. He thought that the Commission had stated that all reorganization discussion was to be stopped until the new City Manager is on board. This information is projecting various reorganizational moves and 27 new positions are listed. He asked if this is being proposed. The Acting City Manager stated that this is being presented for their reaction. Commissioner Moore stated that he understood the City has a manager form of government, but it is his impression that this Commission had made it clear that they are not going to deal with reorganization at this time.

Mayor Naugle asked if this information was sent out at the Acting City Manager's or the new City Manager's discretion. The Acting City Manager stated he discussed the matter with the new Manager, and he asked if it could be discussed at the EMT meeting. Commissioner Moore stated that is not right because a contract has not yet been signed.

He indicated that the Acting City Manager had been directed to cease all discussion regarding reorganization. He indicated that they are in the process of negotiating a contract for a new Manager and then he could revisit the reorganization plans. He stated that in the material distributed, they are offsetting 31 positions with 27 which appear to all be positions in the City Manager's office. Since the Commission has stated all reorganization plans are not to be discussed, then there should be no discussion at tomorrow's EMT meeting. A directive has been given, and he expected the directive to be followed.

Commissioner Hutchinson stated it is her understanding that this is being done at the request of the new City Manager, and he is going to participate in a conference call. She stated she does not have a problem with that.

#### Alarm Registration Ordinance

Commissioner Hutchinson stated that she wanted to go back to the alarm fees. It was her understanding that what has been discussed for rescinding is the yearly renewal fee. There is a one-time registration with the City, which is not a bad idea especially for those alarms not connected with a company who would respond to it. She stated that has not been rescinded.

Commissioner Moore stated there is a deficit of \$1.6 million based on the projection for the alarm fees. The public has stated they are not going to pay such fee. He asked when invoices were first sent out.

Bruce Roberts, Chief Police Department, explained that staff started to get things going in March, and they are only beginning to assess the registration fees.

Commissioner Moore asked why the memo shows that the registration fee estimate reduction is \$1.4 million. The Acting City Manager replied staff does not think they would get more than \$600,000 for this fiscal year. Vice Mayor Trantalis stated that evidently the item is misunderstood and further clarification to the citizens is needed. Commissioner Moore asked how the fee would be collected, if individuals chose not to pay.

Chief Roberts stated that they are looking to piggyback on a collection agency, and the bottom line is that it is a violation of a City ordinance punishable by a fine. Commissioner Moore asked what position the Commission is taking on this matter. If the fees are not going to be paid, then they should rescind the ordinance. They need to put their government in balance with a budget they know is collectable. They need to project the budget through the ad valorem taxes.

Mayor Naugle remarked that the real expense is in regard to responding to false alarms.

Chief Roberts stated that there is another item on today's agenda dealing with the matter, and he has staff available to address questions.

The Acting City Manager stated that to the extent this fee exists, then it should be collected, but individuals should understand that it is a one-time registration fee with no annual renewals. If it is revoked now, then it would poke another \$300,000 hole into the budget. He felt all companies have not been forthcoming in providing their lists. Seven



companies out of 54 have been registered. One unregistered company is the School Board.

Mayor Naugle believed there are about 80,000 residential units within the City, and asked if they have an estimate on what percentage of those units have alarms. It is announced that there are about 72,000 taxable properties within the City and even if 25% have alarms, it would only generate about \$900,000 in revenue. Commissioner Moore asked how the \$2 million figure was reached.

Chief Roberts stated the figure was handed to them during the budget process. He stated they have estimated there are 54 alarm companies in the City, but their client base includes non-residents. He remarked that 6,000 to 7,000 invoices have been returned due to wrong addresses. He stated they are going through the database and trying to refine their information in an attempt to collect additional fees.

Commissioner Hutchinson asked how they could capture the new alarms which are just going through the permitting process, and then there would be no follow up necessary. She was informed that an individual could pick up a registration form when they apply for their permit, and pay immediately. It needs to be part of the permitting process.

Commissioner Moore preferred to send letters to the 54 alarm companies and state that they have to permit any alarms in the City within 90 days at \$50 each. Then they could be the collection agency.

Mayor Naugle asked if they have authority to do things in that manner. The City Attorney stated that they could pass an ordinance requiring them to register, but it could not be done retroactively.

Commissioner Moore suggested the Commission consider doing this because the chances of receiving all the revenue would be greatly enhanced. The City Attorney further stated that the problem is that the alarm companies are the individuals who install and monitor the systems, and some do not provide monitoring. There are companies all over the state that install alarms in the City. It would probably require some sort of legislation for it to have teeth.

Officer Van Sandt stated that they have sent out letters to the alarm customers, but the 54 companies have also volunteered to send the same information to their customers to help the City in this matter.

Commissioner Moore felt it should be the obligation of the company. He is concerned about the companies that monitor the systems.

Officer Van Sandt stated that permitting is only one issue which would cover new customers. Existing customers could not be forced unless they are pursued criminally. There is case law showing disparity between residential and commercial buildings having alarm systems.

**Action:** Another budget amendment will be presented at the July 20 Commission meeting. Mayor Naugle asked that revenue categories that are above estimates also be shown on the handout.

**I-C – Project 10754 – Riverwalk South Regional Park Project Conceptual Design and Funding**

Commissioner Moore left the meeting at approximately 3:20 p.m.

Mike Fayaaz, Engineering, stated staff wanted to get the Commission's input on the new section of Riverwalk they are working on. He proceeded to explain the projects that are being worked on around the river and showed a site plan of the area.

Mr. Fayaaz further stated that at the north shore of the river they have recently completed the seawall and shoreline stabilization project. Across the river, they are working at Marshall's Point which is east of the 7<sup>th</sup> Avenue Bridge. They are doing a seawall and infrastructure project, and the developer in the area is going to do a beautification project. They are working on a project design adjacent to the Stranahan House which is going to be on the southeast side of the Stranahan House, similar to what was done next to the Cheesecake Factory.

Vice Mayor Trantalis asked if the Riverwalk is going to continue in front of the Stranahan House. Mr. Fayaaz confirmed and stated it would go to the end of their property at the west. He stated that in about 3-4 months the project should be going out for bid. On the south side of the river they are also building a riverwalk, but the project is behind schedule and should be completed by August. He added that the project has many amenities.

Mr. Fayaaz stated that today staff wanted to show the Commission what is being done on the last public area of the Riverfront, which is the area west of the Third Avenue Bridge to First Avenue in front of the County Courthouse Complex.

Mike Faye, Landscape Architect, presented photographs of the subject site. With completion of this project, it would link the Riverwalk on the south side. He proceeded to show the conceptual design for the project. He explained further they are looking to provide a one-way, one-lane access under the bridge going through the project to the cul-de-sac next to the Downtowner.

Commissioner Moore returned to the meeting at approximately 3:26 p.m.

Mr. Faye explained the one-lane access would be for emergency vehicles and boat permit parking only. He added that it would not preclude the public from driving through. Mr. Fayaaz added that they are going to post a sign, stating "For Boater Permits Only." Mr. Faye stated it would be more like a driveway and would look a walkway. Such an idea worked successfully with the project that is underway now. He further stated that emergency vehicles would be able to gain access with no problem. They are providing 13 parking spaces for boater permits which would service the 13 boat slips which presently exist along the river. There are five existing spaces under the bridge.

Mr. Faye proceeded to show where parking spaces would be located for this project. Mayor Naugle asked if they could be closed off for a special event and used for booth areas. Mr. Faye confirmed. He remarked there would be a lot of landscaping in the area.

Commissioner Moore left the meeting at approximately 3:30 p.m. and returned at 3:31 p.m.

Mr. Faye continued stating that they would also be constructing a brick pedestrian walkway which would extend the entire length of the project, and link to the section presently under construction. Lighting and other amenities, such as trash receptacles and benches, would be provided. He proceeded to show on the site plan the location for water taxi pick-up and drop-off, along with a shelter location. He explained there are 7 existing green stations which are going to be redone, and each would have a pump-out facility. This project will have extensive landscaping.

Mr. Fayaaz stated there would be landscaping outside of the right-of-way line. He explained that this is County property and they are receptive to the idea. Staff is also talking to the County about another area which he proceeded to show on the map, and stated there is a public space at that location. He explained they want to include the area as part of the Riverwalk project. The parking arrangement might have to be changed depending on what is going to be done in that area.

Mr. Fayaaz explained they have received a \$1 million grant from the County, and they have applied for the FIND grant also.

Commissioner Moore left the meeting at approximately 3:34 p.m.

Stephen Tilbrook, President of Riverwalk Fort Lauderdale Trust, complimented staff on a great plan. He stated that their group sent a letter to the City in support of the conceptual plan. Further they have coordinated a community input session and have reviewed the plan. They are excited about the opportunity to expand the Riverwalk to include the County's green space. They believe it is important to connect along 3<sup>rd</sup> Avenue to the pedestrian location. He remarked that getting to the Riverwalk is always a challenge. They are hoping that the Marine Advisory Board, along with staff, would find a way to include day dockage in the area he showed on the map.

Commissioner Moore returned to the meeting at approximately 3:36 p.m.

Mr. Tilbrook continued stating that they are excited about the walkway and hoped as the plan is refined that they would be involved, and that some of the parking spaces could be reconfigured in order to limit conflicts with the pedestrian area.

Commissioner Moore stated that they need to retain the 13 parking spaces, and he felt this is excellent use of the land.

Mayor Naugle remarked that they are not approving any refinement at this time, but there is no harm in discussing the matter. Commissioner Moore further stated that these parking spaces are a minimum in order to make the area functional.

Commissioner Hutchinson asked if the people who currently use the boat slips are allowed to park under the bridge where the existing boater parking exists.

Jamie Hart, Superintendent of Marine Facilities, stated that it is now planned parking.

Commissioner Hutchinson asked if the green space is created, would there be an opportunity to move some of the parking spaces around so they would not interfere with

pedestrians. Mr. Fayaaz confirmed. Commissioner Hutchinson indicated that all interested parties need to provide input.

John Terrell, Member of the Marine Advisory Board, stated that he met with Stephen Tilbrook and Scott Strawbridge in order to explore ideas as to how they could integrate Riverwalk activities with the City. He continued, stating that they have discussed the layout of the parking, and that the 13 parking spaces would be maintained, but they are not necessarily in the most suitable locations at this time. He proceeded to point out some ideas regarding reconfiguration of the parking.

Mr. Terrell further stated they have also discussed the importance of floating docks. He stated that he is a mega-yacht captain and it is not safe to dock at Riverwalk. He felt floating docks would be more useful to the City's residents. They have discussed placing such docks at the east and west ends, which could enhance the vistas of the river.

Joseph Hessmann, member of the Marine Advisory Board, stated that the pedestrian space should not impede the City's docks. He stated the plan is acceptable as presented, but everyone needs to remember that parking in that area has been difficult. The Riverwalk needs to have the pedestrian and landscaping areas where they would not conflict with the parking spaces.

Vice Mayor Trantalis left the meeting at approximately 3:40 p.m.

He added that they appreciated the support that Riverwalk has provided for floating docks. the Marine Advisory Board has a pilot program at this time in regard to floating docks. Docking space in the City is slowly disappearing which is costing jobs and revenue.

**Action:** The plan was approved.

#### **II-A – Presentation by City's Lobbyist, Linda Cox – 2004 Legislative Session**

Linda Cox stated there is \$200,000 for Riverland Park, and they have done away with the TOP Program which was very controversial because no criteria was set as to how the money is being distributed for the transportation project. They have officially adopted the new strategic intermodel system. Public workshops have been held and they have identified two projects in the City, and designated \$60 million state-wide for projects. The Department of Transportation (DOT) is going to have authority as to how the \$60 million would be spent, and she felt it is important for the City to contact their legislators and have them get with the District Director so some of their projects would get some of the funding.

Ms. Cox continued stating that one of the projects is the Eller Drive/US1 interchange improvement, and the Fort Lauderdale FCC Intermodel Terminal which links I-95 with SR 84 to Andrews Avenue.

Vice Mayor Trantalis returned to the meeting at approximately 3:46 p.m.

Ms. Cox further stated that the League of Cities has called on the contract lobbyists to help with the \$200 filing fee required in the bill, concerning court cases for violation of local ordinances. It ended up being reduced to \$10. If it is contested, the Senate Bill

has \$40 and the House Bill is requiring 30% of fines charged. She stated they have gone with the Senate Bill. The House Bill mandated that if a State Attorney or Public Defender is used, there would be a charge of \$6 per hour.

Ms. Cox stated that they have worked on the controversy with the Broward County Land Use Authority and Commissioner Teel has been present. She felt that if all the cities worked together, it would be worked out. They have met with the Jim McGill of the Governor's Office.

Ms. Cox further stated that there is an Airport Zoning Bill that only impacts Dade and Broward counties. It would allow educational facilities to be located in the Airport zoning areas. It has been possible to remove Broward County out of the bill.

Ms. Cox advised that 4 annexation bills passed, and 3 of those bills gave the City "opt-in" language for Twin Lakes North, North Andrews Gardens, Rock Island and Broadview Park, all of which are revenue neutral.

Ms. Cox stated that the ZIP + 4 language regarding the telecommunications and data base usage for taxing is not always accurate. She stated that the bill has been filed by Representative Siler and Senator Campbell, and has gone through 2 side committees. The telecommunications industry is not happy about that, but it has sent a message and hopefully they would be willing to work with everyone on the issue.

Ms. Cox advised that one of the priority bills passed. It prohibits felons from possessing ammunition.

Ms. Cox was glad to see that the City extended the stadium issue because there have been some political considerations at the past session, which she did not think would be present next year. She urged them to get the legislative issues on early so they could obtain the necessary sponsors.

Commissioner Hutchinson stated that one of the groups that has attended her pre-agenda meeting stated they had conversations with Senator Geller prior to the session ending regarding partial year assessments. He made reference that at the next possible legislative session there might be an opportunity to move partial year assessments through.

Mayor Naugle stated that is a priority of the Urban Partnership.

Ms. Cox stated that traditionally that has failed in Tallahassee; it is perceived as a tax increase. Mayor Naugle remarked that it is really equity because some people are getting a free ride, while the rest of the citizens are paying. He felt it need to be sold as an equity.

Commissioner Hutchinson asked if this issue is something that the League needed to embrace. Ms. Cox stated it has, but it sounds like they need to educate the Legislators and get more detailed information to them. Mayor Naugle stated a sponsor is needed for it. It is an equity matter. All big cities are experiencing the growth. Ms. Cox stated that it is filed every year and dies every year. Commissioner Hutchinson suggested that possibly they need to be given better information.

Commissioner Moore stated that there is an issue in regard to the South Florida Water Management District attempting to deal with a water main that is crossing the North Fork of the New River. He asked if there is the possibility of funding for putting it underground. He asked if Ms. Cox could address that issue. It involves about \$130,000 to \$140,000. It is a necessity due to navigation and the development of Sweeting Estates and safety. He remarked that homeless people are walking across the pipe. This is the only water main in the City not under ground.

Ms. Cox suggested that a meeting be arranged with the Water Management District to see if it could be put into their Capital Working Fund. If it is a line item, it would be vetoed.

Commissioner Hutchinson asked if the other line item regarding flooding was successful. Mayor Naugle suggested that a meeting be held regarding both issues.

Mayor Naugle asked if they have received the money for rehabilitation of the swing bridge. Ms. Cox replied not to her knowledge.

**Action:** Meetings to be arranged with South Florida Water Management District.

Commissioner Moore left the meeting at approximately 3:57 p.m.

## **II-B – Report on County Evaluation and Appraisal Report (EAR) Issues**

Bruce Chatterton, Planning and Zoning Services Manager, stated Senator Geller's bill to limit the County's authority was going through the process, but was then withdrawn. The County pledged to work through the EAR issues with the City in a series of workshops and special meetings. The Commission previously decided that the City would remain a member of the EAR Coalition until Senator Geller's bill is resolved, and then the issue would be revisited which is the purpose of today's discussion.

Mr. Chatterton continued stating that this is academic because the EAR Coalition has been folded into the League of Cities. He stated the League of Cities created a Growth Management Committee which is being chaired by Mayor Joy Cooper of Hallandale Beach. The same co-counsels are serving the same roles

Commissioner Moore returned to the meeting at approximately 3:59 p.m.

Mr. Chatterton stated that the League of Cities voted unanimously to support the overall position. There are still outstanding issues discussed with the Commission previously, such as population, compatibility on the barrier island, and changes to the RAC. The County pledged to continue to work through the cities to negotiate and resolve the issues.

Commissioner Moore left the meeting at approximately 4:00 p.m.

Mr. Chatterton further stated that there is a schedule of meetings to be held, and the League is emphasizing the importance of elected officials attending.

Commissioner Hutchinson stated that she and Commissioner Moore attended the meetings. The League took a huge role in stepping up and pursuing the process. The

cities, as a group, are standing by the unanimous decision that the Broward League has taken. And, they have gone a step further. For those cities who voted in favor of this, and there are elected officials making contradictory statements, there is discussion about the formation of an ethics committee, which would be a strong stance. Mayor Naugle asked that the Commission be kept up to date on this.

Mr. Chatterton stated that there are some things that they have not yet discussed in detail. The County is doing a number of changes to their land use plans which would allow a new designation entitled, Transit Oriented Development. He explained the County is attempting to protect its own investment in transit service and reinforce ridership. They are attempting to come up with a more flexible land use plan designation for either corridor or transit oriented development allowing higher densities, mixed use, and passenger amenities in order to boost ridership.

Commissioner Hutchinson asked if this pertains to the local activity center. Mr. Chatterton replied that this is different, but has some of the same things. He stated that since the City has a dense service from BCT in comparison to the rest of the County, they probably could justify some of it.

Mr. Chatterton further stated that another issue is the change to the flex system. Staff will keep the Commission updated. He explained there are a number of different changes in the system. The idea of taking all the flex zones and combining them within municipal boundaries would give the City only one flex zone. This would allow the City to make decisions based on their own land use policy in regard to moving units around within the City.

Commissioner Moore returned to the meeting at approximately 4:03 p.m.

Mr. Chatterton stated that another item is transit based concurrency. The previous Commission reviewed this concept, which is a front burner item, with the County. Transportation concurrency is not in effect in the eastern part of the county, and the proposal is that it would go away. He stated they have not had to deal with this in the past ten years, except for a portion of Commissioner Teel's district. Concurrency would come back, but be transit based. The previous Commission had some positive things to say about that, but the Commission has to look and see how it would work for the City. Money from developers would go towards a transit based solution.

Mr. Chatterton added that school coordination is another issue. The County is now reviewing its role in interlocal agreements between the schools and local governments, and exploring whether they should play a stronger coordination role.

**Action:** Commissioner Hutchinson requested a meeting schedule for the Broward League of Cities' Board of Directors Growth Management Committee.

### **II-C – Code Advisory Committee**

The City Attorney stated they have reviewed the Code Advisory Committee's recommendations and placed them in three categories. The categories are items resolved, those under analysis, and implementation. They are working on a 4<sup>th</sup> category: alternatives.

The City Attorney added that two items have been omitted from the list which have not been addressed, and those are Items 39 and 49 regarding garage sales. They are looking at how to limit garage sales which would require a permitting process.

The City Attorney explained there are two attachments consisting of District III Code Committee's recommendations which are Items 1-8, and subsequent to that are the Code Advisory Committee recommendations. He explained that in his memo he addressed the motions by number.

Mayor Naugle stated it is hard to understand what the motions mean with the descriptions, and mentioned specifically Item 39.

Commissioner Hutchinson clarified that the City Attorney stated that the ordinance could be amended, showing that the time period would be no more than 30 days, unless providing a longer period would be reasonable.

The City Attorney stated they are only being given 30 days now unless they go to the Community and Economic Development Department (CED) for assistance because some individuals do not have the financial standing to make the improvements. If they qualify for a grant, they are given the opportunity to receive monies from CED for the improvements.

Commissioner Hutchinson asked about the citation form being proposed because it has been stated that a comprehensive study is needed, and she asked what that would encompass. The City Attorney stated they have to evaluate how effective the form would be and the cost involved. Filing fees would be involved if they went to Court, and staff would be placed on standby. Now they control the Special Masters, but when they go to the Courthouse they are at their "whim and caprice." There are issues involved in this proposed program. He explained staff would have to make sure they are organized with the County Court, and would have to coordinate when the cases would be heard so they could be scheduled effectively.

Commissioner Hutchinson stated that she is thinking of these citations along the lines of a parking ticket. The City Attorney stated the fine could be paid or the individual could go to court and challenge it. If it is challenged, then someone would have to be present during the hearing. If the City did not appear at the hearings, then no one would pay the fine.

Commissioner Moore stated that the court system in such cases tended to work with policing agencies and schedules the cases. He suggested they coordinate with the court and possibly schedule the City's hearings for every two weeks.

Mayor Naugle suggested they begin a pilot program to see what types of results. Commissioner Moore indicated that the individuals should be fined, but staff could arrange with the Court system that the cases would be heard on a certain date each month. Mayor Naugle asked when this would be brought back to the Commission for recommendation.

The City Attorney stated that he did not know when it would be brought back. He indicated that the office's resources are spread pretty thin at this time, and they probably would not return until September on this matter.



Genia Ellis, a member of the Code Advisory Committee, felt it is necessary that the Commission recognize that this Committee met twice a month for 2 hours. She explained that the Commission directed them to expedite the process. She wanted to make a point of correction and explained that the list referred to is reflective of this Committee's work beginning with Item 1, and included the District III's recommendations. They attempted to work with the City Attorney's office and wanted him to attend a meeting so certain issues could be addressed.

Mayor Naugle stated that he wanted this organized in such a way so things that could be done immediately would be implemented, and things that would take additional research would move forward in that manner. He asked the City Attorney to attend a Committee meeting.

Bunney Brenneman, Chair of the Code Advisory Committee, stated that Exhibit 5 was submitted on April 20, 2004. It contains all 62 items, and is work in progress of this Committee. She stated that the Committee actually recommended to the Commission only 16 items which are formal recommendations.

Ginnee Hancock, Co-Chair of the Code Advisory Committee, stated that at the last Commission meeting the motions were presented to the Commission, along with the citation form being proposed. There were some weeks when she put in more than 40 hours working on the recommendations and doing research. It is her opinion that this Committee has been disrespected. She added that they have worked closely with staff in Community Inspections, who has provided tremendous support. She indicated they have not received support from the Legal Department. She felt the Committee's time is being wasted.

Commissioner Moore asked when the Committee's next meeting is going to be held. Genia Ellis indicated that the Committee would meet whenever the City Attorney is available. The City Attorney stated that he was invited to one meeting. There was a conflict and he was unable to attend. He felt compelled to say that he has not received any requests to attend a meeting. It was announced that the Committee's next meeting is scheduled for June 23, 2004, 9:30 a.m. Commissioner Moore asked if the City Attorney would be available for that meeting. Ms. Brenneman stated that she had been informed by the City Attorney that he would be unable to attend that meeting. Commissioner Moore suggested that the City Attorney meet with the Committee, if possible, on June 30, 2004. Ms. Brenneman agreed and stated that the Committee would be available whenever such a meeting is arranged.

Commissioner Moore stated that this work is important to the City, and he appreciated the consideration the entire Committee has given. Although there is frustration on both sides, the work needs to get done.

**Action:** Subject to confirmation, the City Attorney to attend Code Advisory Committee meeting on June 30, 2004.

#### **II-D -- Alarm Registration Ordinance**

The Acting City Manager stated that he asked for additional information from the Chief of Police regarding this matter. He was astounded by the number of alarm responses and

how many are malfunctioning alarms, cancelled alarms, or accidental ones, and how many resulted in response to a crime or a potential crime. A question was raised as to whether they should change the ordinance as it relates to three false alarms, and then a fine is imposed. He wanted Chief Roberts to provide additional information, including what other cities are doing. Almost 5,000 hours of valuable police time are spent responding to false alarms.

Bruce Roberts, Chief of Police, stated that across the country history shows that most responses are made to false alarms. When they respond to an alarm and there is a crime at the scene, then the call is changed from an alarm to whatever the crime might be. He explained that after reviewing all the figures, about 85% of the responses are to false alarms. The estimate for the cost of an officer responding to a call is about \$50 per hour. These problems are a huge waste of police resources. He asked if the Commission wanted staff to go back to the drawing board and look for other ways to assess chronic offenders. He stated that many agencies and cities across the country do not respond to alarms. He explained they have to be serviced by the alarm company first to see if there is a problem with the system. They are providing a service at the taxpayer's expense in responding to these calls, but they are also encouraging people to partner with them in reducing crime and promise to be present when needed.

Officer Mitchell Vansant stated there are different private responses, but then a liability issue is present if an offense is taking place and the Police Department does not find out about it until notified by the private company. Cities that have alarm ordinances have different fee structures. Some aspects of the ordinance possibly should be streamlined. There are model ordinances developed through the alarm associations.

Commissioner Moore stated that he always felt that the alarm industry utilizes tax dollars however they chose. The City should charge the alarm company for the calls, and have them collect from their clients. He preferred there be a connection fee and the alarm company give a deposit to the City. They City would draw on the deposit for the calls.

Mayor Naugle asked if that could be done. The City Attorney replied that it would be difficult to do. Some of the alarm companies are not located within the City. Commissioner Moore stated that the alarms are in the City, and they are causing the police officers to respond. The City Attorney explained that the homeowner has the alarm. The company only monitors the alarm. Commissioner Moore stated there could be a risk if the alarm company calls and they did not respond, but the City has the same risk if someone without an alarm called and it took the officers an hour to respond to the call.

Officer Vansant stated that some of the alarms have to hold because there are not available personnel to respond. Commissioner Moore indicated that the liability still exists.

Commissioner Hutchinson wanted additional information brought back to the Commission because she felt valuable time is being wasted in responding to "bogus" alarms. She wanted to see what other cities do and what they charge.

Commissioner Moore asked if manning a call is high on the priority list.

Chief Roberts confirmed, and explained there is a sequence of priorities for the alarms. He stated where they got hung up on priorities, and tended to delegate them to a lower level depending on what is happening, are the audible alarms that people have in their homes. He stated that those are the majority of their responses.

Commissioner Hutchinson felt the only way to solve this issue is to pass it on to the property owner, and it should be done sooner, not later.

Mayor Naugle stated that usually legislative authority is needed in order to assess a tax or fee on a third party. Commissioner Moore suggested they review last year's calls from the monitoring company and assess them accordingly.

The City Attorney explained that they all have to be treated the same, and the problem is that a number of them that are monitored are probably less than half. It could be about 20% to 30%. Most are audible alarms as pointed out by Chief Roberts.

Commissioner Teel asked if other cities are having alarm companies respond first to calls, and she asked if that has been an effective solution. Chief Roberts stated that Bay Colony did that themselves, but that is a separate issue.

Mayor Naugle asked if anyone in South Florida is doing that. Chief Roberts stated he is not aware of any cities. Officer Vansant stated that Wackenhut might have a few gated communities that they respond to. Commissioner Teel stated that she have recently read an article that stated that companies could respond to calls for about \$5. She felt that is unusually low.

Chief Roberts stated if security personnel are used, they are paid a lot less. He stated that staff would continue to gather the information and report back to the Commission. He added that they would also come back with recommendations and options as to how they could alleviate the drain on City's resources. They will also work with the City Attorney's office so as to have their pre-approval on whatever solution might be feasible.

Commissioner Hutchinson asked how well does the department recoup the fines charged after the second alarm response. Chief Roberts stated that they are doing well with that revenue and collected about \$400,000 per year.

**Action:** Further research to be conducted and recommendations and options presented to the Commission at a future meeting. Staff was requested to determine how this is being handled by other cities and to look into a procedure for the alarm company to respond first.

### **III-B – Advisory Board and Committee Vacancies**

#### **Aviation Advisory Board**

Mayor Naugle reappointed Chris Pollock and Steve Stella to the Aviation Advisory Board.

Commissioner Teel reappointed Joseph Scerbo to the Aviation Advisory Board.

Commissioner Hutchinson reappointed Thomas B. Newman and Bernie Petreccia to the Aviation Advisory Board.

Vice Mayor Trantalis reappointed Bunney Brenneman and Larry Holdridge to the Aviation Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Board of Commissioners, Fort Lauderdale Housing Authority

**Action:** No Formal Action Taken.

Budget Advisory Board

**Action:** No Formal Action Taken.

Community Appearance Board

Mayor Naugle appointed Patrick McTiegue to the Community Appearance Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Community Services Board

Vice Mayor Trantalis appointed Michael Kimmey to the Community Services Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Economic Development Advisory Board

**Action:** No Formal Action Taken.

Education Advisory Board

**Action:** No Formal Action Taken.

Historic Preservation Board

Commissioner Teel appointed Tom Welch to the Historic Preservation Board.

Vice Mayor Trantalis reappointed Christopher Eck to the Historic Preservation Board, and also appointed Bill Howard to the Historic Preservation Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Insurance Advisory Board

**Action:** No Formal Action Taken.

Marine Advisory Board

Commissioner Moore appointed Stephen Tilbrook to the Marine Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Northwest-Progresso-Flagler Heights Redevelopment Advisory Board

Commissioner Teel reappointed James Brady to the Northwest-Progresso-Flagler Heights Redevelopment Advisory Board.

Vice Mayor Trantalis appointed Hector Labarro to the Northwest-Progresso-Flagler Heights Redevelopment Advisory Board.

**Action:** Formal Action to be taken at the Regular Meeting.

Nuisance Abatement Advisory Board

**Action:** No Formal Action Taken.

Parks, Recreation and Beaches Advisory Board

**Action:** No Formal Action Taken.

Performing Arts Center Authority

Commissioner Hutchinson stated that there is a consensus reappointment of Barbara Jones to the Performing Arts Center Authority.

**Action:** Formal Action to be taken at the Regular Meeting.

Unsafe Structures and Housing Appeals Board

**Action:** No Formal Action Taken.

Utility Advisory Committee

Commissioner Moore appointed Margaret Haynie Birch to the Utility Advisory Committee.

**Action:** Formal Action to be taken at the Regular Meeting.

**IV – City Commission Reports**

Riverwalk Vandalism

Commissioner Hutchinson stated that Patsy Minutti of Riverwalk Trust attended her pre-agenda meeting, and stated there has been a lot of vandalism along Riverwalk. She stated that she is aware that the Police Department has been working with that group for the last few months, but the issue is that they are a not-for-profit group and all the banners along the Riverwalk between Andrews and Third that they provided have been torn down. She asked who is responsible for maintenance because the bricks are also getting broken on the sidewalks.

Mayor Naugle stated that they have the opportunity to create great synergy between the security vendors at the various condominiums in the area and the Police Department, along with the City's security company.

Commissioner Hutchinson stated that they are looking for a partnership with everyone, and possibly a security camera could be focused toward Riverwalk. She felt this needs to be considered.

Mayor Naugle added that the sidewalks, railings, and bricks would be the responsibility of the City, but the banners and other amenities would not be included.

Phil Thornburg, Parks and Recreation, stated he would have to check into the banner and brick situations because those are fund raisers for them. There have been some major concerns for the area, and the Police Department has been working on it.

Commissioner Moore stated that one way to address this matter is when the officer is present and skateboarding is taking place, they should be ticketed and the skateboard taken away.

#### Reorganization

Commissioner Moore was concerned that the reorganization plans are once again being listed on the agenda. When the Commission makes a decision, it should be followed. He did not understand why they are continually allowing this to take place, and he felt it is insulting because the Commission's directive is not being followed. It is causing a number of employees to look elsewhere for employment, and recently has caused some individuals to leave. If the Commission has changed their mind, then the employees should be informed. He stated if the Acting City Manager is not able to follow the direction of the Commission, then he should leave, or the Commission should change their direction.

Mayor Naugle stated it has been his impression that the reorganization issue is being left to the new City Manager. Commissioner Teel confirmed, but stated that the item being referred to by Commissioner Moore is not the actual reorganization plan, but only a conversation with the upper management level in accordance with a request of the new City Manager.

Commissioner Moore emphasized that at the Commission meeting it have been decided that there would be no more reorganization issues, and that the new Manager would handle the matter. They do not yet have a new Manager, but a meeting is being held tomorrow regarding reorganization. Maybe everyone else is looking at this matter differently, and if so, then they need to be given a different directive.

Commissioner Teel remarked that she is probably looking at this differently. She continued stating that the new Manager requested information from the upper management staff in order to get a "heads up" on matters and "get the ball rolling" as quickly as possible when he comes on-board. She applauds him. She does not see this as threatening to the employees, but as an opportunity for them to say this is good or not.

Commissioner Moore asked if the new Manager has made this request in writing or has anyone met with him regarding this matter. He asked who is running the City, the Commission or the interim Acting City Manager. It is his position that the Commission is running the City, and that this issue has been stated several times to him.

Commissioner Hutchinson stated that she spoke both with the Acting City Manager and the new Manager regarding this matter. She was informed by the new Manager that he is trying to figure out why the document is considered a "hot potato." She gathered that the department heads have not been asked their opinions, and the new Manager wanted to hear from them. He is trying to figure out what he is walking into. It is a discussion with the old and new, and with the senior level management. She stated that she is not looking at this as a reorganization discussion.

Vice Mayor Trantalis remarked that it is a misunderstanding and asked the Acting City Manager if what Commissioner Hutchinson is saying is correct.

Commissioner Moore showed the agenda to be discussed at the EMT meeting and stated it is not dealing with the new Manager at all. He wanted to make it clear that such discussions needed to cease.

Vice Mayor Trantalis agreed with Commissioner Moore in that they do not want anyone to misunderstand the process. There is to be no implementation at this time; it is information for the new Manager.

Commissioner Teel stated that staff would have the opportunity to speak regarding this matter at the meeting, and the new Manager would have the chance to hear all their comments.

Commissioner Moore did not think any department head who is opposed to the recommendation would say so at this meeting. This is throwing "fuel on the fire," and he thought they are trying to stop that. He realized that he is in the minority on this matter, but just wanted to state his opinion.

#### Organization of American States 2005 Conference

Vice Mayor Trantalis stated that he read that the OAS meeting is to be held in this City next year, and he felt that would be a great opportunity for the City to capitalize on the event. He asked if there is a committee or department within the City that would initiate gala events, such as a Mayor's Ball, in order to host and welcome the participants of the event. He did not want to rely on the Chamber of Commerce for this.

Commissioner Moore left the meeting at approximately 5:04 p.m.

Mayor Naugle stated that Sister Cities would host such an event. He remarked that they are great regarding protocol.

Vice Mayor Trantalis asked who within the City government would collaborate with them for such an event. Mayor Naugle remarked that he is the City's representative for that group. He added that the Police Department would be heavily involved in security planning, along with the Sheriff's Office. Vice Mayor Trantalis asked if they could begin

coordinating meetings with that group so events could be planned. Mayor Naugle stated that he would look into the matter with the Sister Cities group.

Traffic Signal and Circulation at A1A/North of Oakland Park

Commissioner Teel stated that a situation has developed at A1A, north of Oakland Park Boulevard, on the southbound lane near 32<sup>nd</sup> Street. There is a traffic light that is causing problems. Individuals traveling south are focusing on the major intersection and missing that traffic light. There was a serious accident recently. She felt there are many distractions in that area; the matter needs to be investigated.

Peter Partington, Acting City Engineer, stated that it is a State road and the matter is addressed with the County and the State. The County maintains the traffic signals, but otherwise it is maintained by the State. The State is looking into the matter. He added there have been some tree problems in the area.

Vice Mayor Trantalis stated that some residents at A1A and Oakland Park have stated that the intersection is a disaster when the bridge is up. He asked if that is also a State issue.

Mr. Partington confirmed and stated there has been some discussion as to how the signal is timed with the bridge. He did not recall if the necessary inter-connect is in place, but would check into the matter.

Commissioner Teel added that the State still owes the City the crosswalk markings for the area because they have never replaced them when they made other improvements. Mr. Partington stated that he would follow up on the matter.

There being no further business to come before the Commission, the meeting is adjourned at 5:09 p.m.